

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6837 OF 2015

Vithal s/o Bhagoji Kanke
Age 37 years, Occ. Service
R/o. Shirshi (Khurd), Tq. Parbhani
District Parbhani

...Petitioner

Versus

1. The State of Maharashtra
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai
2. The District Collector, Jalna
District Jalna
3. The Sub Divisional Officer
Jalna, District Jalna
4. The Scheduled Tribe Certificate
Verification Committee,
Aurangabad
Through its Deputy Director (R),
Aurangabad

...Respondents

.....
Mr. U.R. Awate, advocate h/f Mr. S.M. Vibhute, advocate for petitioner
Mrs. V.A. Shinde, A.G.P. for respondent Nos. 1 to 3
Mr. P.S. Patil, Advocate for respondent No.4
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 8th JULY, 2015

ORAL JUDGMENT (PER S.V. GANGAPURWALA, J.) :-

1. Rule. Rule made returnable forthwith. With the consent of the

parties, heard finally.

2. Mr. Awate, the learned counsel h/f Mr. Vibhute, learned counsel for the petitioner states that the validation proceedings in respect of the tribe claim of the petitioner is pending with the committee. The same is referred in the month of July, 2013. However, the notice is issued to the petitioner to submit validation certificate else action would be taken.

3. Mr. Patil, the learned counsel for the committee accepts the fact that the validation proceedings in respect of tribe claim of the petitioner is pending.

4. Learned A.G.P. submits that as the petitioner has been appointed from reserved category, the petitioner was required to submit validity till 30.6.2013. In absence of the same the petitioner cannot seek any protection.

5. We have considered the submissions canvassed by the learned counsel for the respective parties. It is not in the hands of the litigants to get the proceedings decided within stipulated period. The learned counsel for the committee accepts that the proposal seeking validation of the tribe claim of the petitioner is pending. Considering

the above, we pass the following order:-

O R D E R

- I. The impugned show cause notice is quashed and set aside. The respondent No.4 committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within nine months. The petitioner shall co-operate for expeditious disposal of the validation proceedings.
- II. The respondent employer can take further course of action in tune with the judgment delivered by the committee in validation proceedings.
- III. Writ petition is accordingly disposed of. Rule made absolute in the above terms. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/

